

(i) That the *Biochemic No. 10* was an adequate and effective treatment for acidity, sour belching and rising of fluids, sour vomiting, diarrhea, colic, spasms, fever, ague, gastric derangement, heartburn, indigestion, and intestinal worms.

(j) That the *Biochemic No. 11* was an adequate and effective treatment for biliousness, excess of bile, bitter taste, greenish brown or grayish green tongue, bilious vomiting, vomiting of bile, jaundice, dropsy from diseases of the liver and scarlatina, bilious headache, intermittent fever, diabetes, erysipelas, gravel, polyuria, and edema of prepuce and scrotum.

(k) That the *Biochemic No. 12* was an adequate and effective treatment for paralytic conditions in general, profuse night sweats, caries, necrosis, inflammation, swelling and bending of bones (rachitis), scrofulous complaints, ailments following vaccination, ulcerations of all kinds, felons, fistula, glandular swellings, ulcerative consumption with expectorations of pus, lacrimal fistula, and constipation.

The articles were misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: August 2, 1954. Default decree of condemnation and destruction.

4477. Misbranding of alfalfa seed. U. S. v. 69 Bags, etc. (F. D. C. No. 36436. Sample Nos. 83824-L, 83825-L.)

LIBEL FILED: March 8, 1954, District of North Dakota.

ALLEGED SHIPMENT: Between the approximate dates of January 1 and July 1, 1953, from Moorhead, Minn.

PRODUCT: 69 unlabeled 1-pound bags and 69 labeled 1-pound envelopes of *alfalfa seed* at Fargo, N. Dak., in possession of the Fargo Seed House.

RESULTS OF INVESTIGATION: The product was shipped in bulk from Moorhead, Minn., and after its receipt by the Fargo Seed House, it was repackaged and a portion was relabeled.

LABEL, IN PART: (Envelope) "Sunland Grown Alfalfa For Tea 'Fargo Seed House' Fargo, N. Dak."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying labeling of the article, namely, in a clipping of an advertisement from a local newspaper on display on the show case in the store of the Fargo Seed House, were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for arthritis and rheumatism, whereas the article was not an adequate and effective treatment for such conditions. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: July 20, 1954. Default decree of condemnation. The court ordered that the product in the labeled envelopes be destroyed and that the product in the unlabeled bags be sold.

4478. Misbranding of Whitmer's Black Diamond liniment, Whitmer's Red Carminative, and Whitmer's Eureka. U. S. v. H. C. Whitmer Co. and Fred C. Whitehouse. Pleas of not guilty. Tried to the jury. Verdicts of guilty for company and not guilty for individual. Fine of \$750, plus costs, against company. (F. D. C. No. 34344. Sample Nos. 11119-L, 11120-L, 11122-L.)

INFORMATION FILED: April 2, 1953, Southern District of Indiana, against the H. C. Whitmer Co., a corporation, Columbus, Ind., and Fred C. Whitehouse, president of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of May 10, 1950, and March 30, 1951, from the State of Indiana into the State of Ohio.

LABEL, IN PART: (Bottles) "Whitmer's Black Diamond Liniment * * * Active Ingredients: Turpentine Fractions, Linseed Oil, Camphor, Pine Oil," "Whitmer's Red Carminative * * * Active Ingredients: Red Pepper, Gum Camphor, Oil Cloves, Oil Cinnamon, Carbonate Soda," and "Whitmer's Eureka Alcohol 15% * * * Active Ingredients: Buchu, Uva Ursi, Culver Root, Juniper Berries, Alexander Senna, Caraway Seed, Gentian Root, Cape Aloes, Hydrangea, Soda Benzoate, Soda Acetate."

NATURE OF CHARGE: *Whitmer's Black Diamond liniment*. Misbranding, Section 502 (a), certain statements on the bottle labels and in accompanying circulars entitled "Whitmer Pep" and dated October 19 and November 2 and 9, 1950, and January 18 and February 1 and 8, 1951, were false and misleading. The statements represented and suggested that the article would be adequate and effective in the cure, mitigation, and treatment in man of wounds, burns, sprains, frost bites, muscular rheumatic pains, neuralgia, bruises, and cuts; that the article would be adequate and effective in the cure, mitigation, and treatment in animals of sore shoulders, sprains, bruises, and wounds, and in the prevention of blood poisoning and lockjaw in animals; and that the article would be adequate and effective in the cure, mitigation, and treatment of garget in cows and "summer eczema" in dogs. The article would not be adequate and effective for such purposes.

Whitmer's Red Carminative. Misbranding, Section 502 (a) certain statements on the bottle labels and in the accompanying circulars entitled "Whitmer Pep" and dated May 4, June 1, July 20, August 17, October 12 and 19, and November 9, 1950, and May 31, 1951, were false and misleading. The statements represented and suggested that the article would be adequate and effective in the treatment of cramps in women and young girls and sore throats in humans; that the article would be adequate and effective in the cure, mitigation, and treatment in humans, animals, and poultry of indigestion, nausea, sick stomach, acute indigestion, toothache, colic, diarrhea, unexpected illness, dyspepsia, flatulence, dysentery, chills, colds, and la grippe; that the article would increase the circulation of blood in humans, animals, and poultry; that the article may save life and that it would be adequate and effective in the cure, mitigation, and treatment of scours in colts, calves, and sheep, bowel trouble in chicks, and in the prevention of diseases in older fowls. The article would not be adequate and effective for the purposes and would not fulfill the promises of benefit stated and implied.

Whitmer's Eureka. Misbranding, Section 502 (a), certain statements on the bottle labels and in accompanying circulars entitled "Whitmer Pep" and dated August 17, November 9, and December 28, 1950, were false and misleading. The statements represented and suggested that the article would be adequate and effective in the treatment of chronic constipation, cleaning out the bowels and stomach, and flushing the urinary tract. The article would not be adequate and effective for such purposes.

DISPOSITION: Pleas of not guilty having been entered by the defendants, the case came on for trial before the court and jury on May 3, 1954. The trial was concluded on May 7, 1954, with the return by the jury of a verdict of

guilty for the corporation and a verdict of not guilty for the individual. On June 15, 1954, the court fined the corporation \$750, plus costs.

4479. Misbranding of Polorator device. U. S. v. 20 Cartoned Devices, etc.
(F. D. C. No. 36183. Sample Nos. 58891-L, 58898-L.)

LABEL FILED: December 11, 1953, Northern District of Indiana.

ALLEGED SHIPMENT: On or about September 30, October 7 and 19, and December 4, 1953, by the Vogt Health Appliance Co., from Kalamazoo, Mich.

PRODUCT: 20 cartoned *Polorator devices* at Fort Wayne, Ind., together with a number of pamphlets entitled "Only the Polorator has Twin Pole Vibrators" and "The Polorator Application and Instructions," a number of cards entitled "Zone Therapy Chart," a number of books entitled "Stories The Feet Can Tell," a number of leaflets entitled "An Entirely New Low Priced Instrument for Beauticians," and a number of display placards entitled "Polorator Double Action massage with mild heat," "Try Now! This 3 Minute Test on your aches & pains No Charge," "Free Massage over these areas Sinus Hay Fever Asthma Arthritis Neuritis Tired Feet Reducing Areas," and "The Polorator World's Most Flexible Massage With Infra-Red Heat."

The *Polorator device* consisted essentially of a housing containing electromagnetic coils that operated 2 vibrating metal knobs which protruded from the housing. There was included with the device a wooden handle and foot-stool arrangement for applying the device to the body.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned pamphlets, cards, books, leaflets, and display placards accompanying the device were false and misleading. The statements represented and suggested that the device would provide an adequate and effective treatment for nervous and physical tensions, sinus conditions, arthritis, neuritis, overweight, fibrous swelling or infiltration in the interior of the body, bony or cartilaginous growth in the joints, tired, droopy feeling, poor circulation, aching joints, bursitis, kidney conditions, gallbladder conditions, muscular disturbances, organic disturbances, hay fever, asthma, congestion of the appendix, ileocecal valve conditions, pneumonia, conditions affecting the spleen, anemia, glaucoma, deafness, sore throat, enlarged tonsils, thyroid conditions, exophthalmic goiter, glandular trouble, enlarged prostate, diabetes, eczema, heart conditions, liver conditions, varicose veins, Bright's disease, dropsy, lumbago, apoplexy, rectal disorders, hemorrhoids, prolapsed rectum, and inflammation of the bladder. The device did not provide an adequate and effective treatment for such conditions.

DISPOSITION: July 8, 1954. Default decree of condemnation. The court ordered that the devices and their accompanying labeling be turned over to the Food and Drug Administration.

DRUGS FOR VETERINARY USE

4480. Misbranding of Dr. Mayfield poultry tonic. U. S. v. 2 Drums, etc.
(F. D. C. No. 33133. Sample No. 48320-L.)

LABEL FILED: May 17, 1952, District of Minnesota.

ALLEGED SHIPMENT: On or about July 23, 1951, and April 1, 1952, by Dr. Mayfield Laboratories, Inc., from Charles City, Iowa.

PRODUCT: 2 drums of *Dr. Mayfield poultry tonic* at Osakis, Minn., together with a number of booklets entitled "Poultry Disease."